



ITW

PTO/SB/21 (09-04)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

30

Application Number

10/647,031

Filing Date

August 21, 2003

First Named Inventor

Kunitake, Steven T.

Art Unit

1645

Examiner Name

Attorney Docket Number

022041-000810US

ENCLOSURES (Check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Forms PTO/SB//08A,B, ISR, 3 references, return postcard |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Kawai Lau

Date

June 6, 2005

Reg. No.

44,461

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Timothy S. Parker

Date

June 6, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 022041-000810US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



On June 6, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Timothy L. Parker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven T. Kunitake, et al.

Application No.: 10/647,031

Filed: August 21, 2003

For: PRESERVATION OF RNA
QUALITY AND CONTENT IN TISSUE
SECTIONS DURING
IMMUNOHISTOCHEMISTRY

Examiner:

Art Unit: 1645

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of references BC-BE are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Also enclosed is a copy of the International Search Report issued in conjunction with corresponding PCT application no. PCT/US03/26621, dated May 12, 2004, and in which reference AA was cited.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that pursuant to 37 C.F.R. § 1.97(b)(3), no fee is required for submission of this statement because this submission is before the mailing of a first Office Action on the merits.

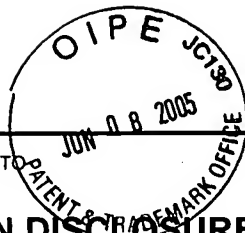
However, if a fee is determined to be required, the Commissioner is authorized to deduct such fee from the undersigned's **Deposit Account No. 20-1430**, referencing 022041000810US.

Respectfully submitted,



Kawai Lau
Reg. No. 44,461

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
KL:tp
60099246 v1



| | | | | | |
|---|---|----|--------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | Complete if Known | | |
| | | | Application Number | 10/647,031 | |
| | | | Filing Date | August 21, 2003 | |
| | | | First Named Inventor | Kunitake, Steven T. | |
| | | | Art Unit | 1645 | |
| Sheet | 1 | of | 2 | Examiner Name | |
| | | | | Attorney Docket Number | 022041-000810US |

| U.S. PATENT DOCUMENTS+ | | | | | |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number Kind Code ² (if known) | | | |
| | AA | US-5,852,001 | 12/22/1998 | Vallee, B.L. | |
| | AB | US- | | | |
| | AC | US- | | | |
| | AD | US- | | | |
| | AE | US- | | | |
| | AF | US- | | | |
| | AG | US- | | | |
| | AH | US- | | | |
| | AI | US- | | | |
| | AJ | US- | | | |
| | AK | US- | | | |
| | AL | US- | | | |
| | AM | US- | | | |
| | AN | US- | | | |
| | AO | US- | | | |
| | AP | US- | | | |
| | AQ | US- | | | |
| | AR | US- | | | |
| | AS | US- | | | |
| | AT | US- | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|--------------------------|---------------------------|---------------------|-----------------------------------|--------------------------------|---|--|--------------------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | AU | | | | | | | <input type="checkbox"/> |
| | AV | | | | | | | <input type="checkbox"/> |
| | AW | | | | | | | <input type="checkbox"/> |
| | AX | | | | | | | <input type="checkbox"/> |
| | AY | | | | | | | <input type="checkbox"/> |
| | AZ | | | | | | | <input type="checkbox"/> |
| | BA | | | | | | | <input type="checkbox"/> |
| | BB | | | | | | | <input type="checkbox"/> |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.
60099246 v1

| | | | | | |
|--|---|----|---|--------------------------|---------------------|
| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | 10/647,031 |
| | | | | Filing Date | August 21, 2003 |
| | | | | First Named Inventor | Kunitake, Steven T. |
| | | | | Art Unit | 1645 |
| | | | | Examiner Name | |
| Sheet | 2 | of | 2 | Attorney Docket Number | 022041-000810US |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|--------------------------|---|----------------|
| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | BC | BERGER, Shelby L., et al. "Inhibition of Intractable Nucleases with Ribonucleoside-Vanadyl Complexes: Isolation of Messenger Ribonucleic Acid from Resting Lymphocytes", <i>Biochemistry</i> 1979, 18: 5143-5149 | |
| | BD | PUSKAS, Robert S., et al. "Effect of Ribonucleoside-Vanadyl Complexes on Enzyme-Catalyzed Reactions Central to Recombinant Deoxyribonucleic Acid Technology", <i>Biochemistry</i> , 1982, 21:4602-4608 | |
| | BE | KANZ, Lothar, et al., "Detection of Messenger RNA's within Single Hemopoietic Cells by in situ Hybridization on Small Slide Areas", <i>Exp. Hematol.</i> , (1988) 16:394-399 | |
| | BF | | |
| | BG | | |
| | BH | | |
| | BI | | |
| | BJ | | |
| | BK | | |
| | BL | | |
| | BM | | |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

² Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.